

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

Fausto O.I. v. Kristi Noem, et al.

Fausto O.I. · No. 26-cv-854 (MJD/LIB) · Decided February 4, 2026

SUMMARY

This Report and Recommendation addresses a habeas petition challenging the mandatory detention of an Ecuadorian noncitizen under 8 U.S.C. § 1225 without a bond hearing. The magistrate judge recommends granting the petition, ordering release within forty-eight hours of any adopting order, and requiring respondents to show cause for their alleged failure to comply with an earlier order.

CASE DETAILS

COURT	United States District Court for the District of Minnesota
WRITING FOR THE COURT	Leo I. Brisbois
JURISDICTION	United States District Court for the District of Minnesota
DECIDED	February 4, 2026
DOCKET	26-cv-854 (MJD/LIB)
DISPOSITION	other
PROCEDURAL POSTURE	Petition for a writ of habeas corpus challenging immigration detention; the magistrate judge issued a Report and Recommendation under a general referral, recommending that the petition be granted and that respondents release petitioner and show cause regarding noncompliance with a prior court order.
STANDARD OF REVIEW	The petitioner bears the burden of proving by a preponderance of the evidence that detention is unlawful. No evidentiary hearing was necessary because the relevant facts were undisputed and the record permitted resolution of the claims.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Fausto O.I. v. Kristi Noem, et al.

TOPICS

- immigration detention
- federal habeas corpus
- removal proceedings
- venue
- contempt

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the District of Minnesota was a proper forum for the habeas petition despite petitioner's transfer from Minnesota to detention facilities in Texas and New Mexico.
2. Whether a noncitizen who entered the United States without inspection and had resided in the country for more than two years was subject to mandatory detention under 8 U.S.C. § 1225(b)(2) as an alien seeking admission.
3. Whether respondents could detain petitioner under 8 U.S.C. § 1226 without producing a warrant.
4. Whether petitioner was entitled to immediate release rather than merely a bond hearing.
5. Whether respondents should be required to show cause why they should not be held in civil contempt for failing to comply with the district judge's January 30, 2026, order.

HOLDINGS

1. The District of Minnesota remained a proper forum because respondents' rapid, government-controlled transfers created uncertainty about petitioner's immediate custodian and place of confinement and should not defeat timely judicial review.
2. Petitioner was not an alien seeking admission subject to mandatory detention under § 1225(b)(2) because he had entered the United States and resided there for more than two years; his pending asylum application and family-based petition did not change that conclusion.
3. Absent a warrant, respondents could not arrest or detain petitioner under 8 U.S.C. § 1226(a).
4. Immediate release, rather than a bond hearing, was the appropriate remedy because respondents failed to identify any lawful statutory predicate for petitioner's detention.
5. The record supported requiring respondents to show cause why they should not be held in civil contempt for failing to return petitioner to Minnesota as ordered.

KEY QUOTATIONS

“The Government may not use the uncertainty created by its own actions to shop for a forum of its choosing.”
(Section II)

“Where there exists no authority upon which an individual is detained, “ordering a bond hearing would treat the absence of statutory” authority in support of the individual’s arrest or detention “as a mere procedural irregularity rather than a substantive defect.” (Section III)

“For detention that lacks a lawful predicate, such as Petitioner’s detention in the present case, release is an available and appropriate remedy.” (Section III)

FACTUAL BACKGROUND

Fausto O.I., a native and citizen of Ecuador, entered the United States without inspection in November 2023 and was placed in removal proceedings. He was released on recognizance, later filed an application for asylum and

withholding of removal, and received a work permit. ICE arrested him in Minnesota on January 9, 2026, and transferred him repeatedly among detention facilities in Texas and New Mexico without adequately notifying him or his counsel. Respondents relied on mandatory detention under 8 U.S.C. § 1225(b), but did not identify a warrant or another valid statutory basis for the arrest and detention.

PROCEDURAL HISTORY

Petitioner filed a habeas petition on January 30, 2026, challenging his detention under 8 U.S.C. § 1225(b) without a bond hearing and asserting that respondents had not produced a warrant. The district judge ordered respondents to answer and enjoined removal from Minnesota or required return to Minnesota. Respondents argued for transfer to the Western District of Texas, but petitioner was repeatedly transferred between facilities in Texas and New Mexico. The magistrate judge recommended granting habeas relief, ordering immediate release, and requiring respondents to show cause why they should not be held in civil contempt.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. The magistrate judge recommended that the petition be granted, petitioner be returned to Minnesota and immediately released under no greater conditions than his December 1, 2023, release order, respondents confirm release within forty-eight hours, respondents be barred from re-detaining petitioner under the rejected statutory theory absent materially changed circumstances, and respondents show cause regarding civil contempt.

CASES CITED

- Wallace v. Lockhart, 701 F.2d 719, 730 (8th Cir. 1983)
- Rumsfeld v. Padilla, 542 U.S. 426, 434-35, 448, 450 n.18, 451-54 (2004)
- Braden v. 30th Jud. Cir. Ct. of Ky., 410 U.S. 484, 494-95 (1973)
- Eisel v. Secretary of the Army, 477 F.2d 1251, 1258 (D.C. Cir. 1973)
- Anariba v. Director Hudson County Correctional Center, 17 F.4th 434, 447-48 (3d Cir. 2021)
- Jennings v. Rodriguez, 583 U.S. 281, 286-306 (2018)
- Munaf v. Geren, 553 U.S. 674, 693 (2008)
- Rasul v. Bush, 542 U.S. 466, 473 (2004)
- Zadvydas v. Davis, 533 U.S. 678, 687-88 (2001)
- Mahamed C.A. v. Noem, No. 25-cv-4551 (MJD/JFD), 2025 WL 3771299, at *1-*3 (D. Minn. Dec. 16, 2025)
- Ahmed M. v. Bondi, No. 25-cv-4711 (ECT/SGE), 2026 WL 25627, at *3 (D. Minn. Jan. 5, 2026)
- Vedat C. v. Bondi, No. 25-cv-4642 (JWB/DTS), Order at 6 (D. Minn. Dec. 19, 2025)
- Ozturk v. Hyde, 136 F.4th 382, 392 (2d Cir. 2025)

